IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 793 of 2005

For Approval and Signature:

THE HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHAUDHARI ASHABEN BABUBHAI THRO.FATHER CHAUDHARI BABUBHAI - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR AMIT M PANCHAL for Petitioner No(s).: 1.
Ms. Nandini Joshi, ASST. GOVERNMENT PLEADER for Respondent No(s).: 1.
MS NAYNABEN K GADHVI for Respondent No(s).: 2.

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CORAM :THE HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date : 29/06/2005

ORAL JUDGMENT

1. RULE, returnable today. Ms. Nandini Joshi, learned Assistant Government Pleader and Ms. Nayna Gadhvi, learned advocate

waives service of rule on behalf of respondents No. 1 and 2 respectively. With the consent of the parties, matter is taken up for hearing today.

2. By filing this petition, the petitioner has prayed that the respondents may be directed to consider the case of the petitioner in the Sports quota, as per Government Resolution dated 25-2-1980 and 1-8-1990 for appointment to the post of Vidya Sahayak.

3. Heard learned advocate Mr. Panchal for the petitioner, Ms. Nandini Joshi, learned AGP for respondent No. 1 and Ms. Nayna Gadhvi for respondent no.2.

4. Ms. Nayna Gadhvi submitted that the application for recognition of the Gujarat State Women's Foot Ball Association is pending.

5. It is required to be noted that in the judgment and order dated 8.12.2004 passed by this Court in Special Civil Application No. 15297 of 2004, this Court has considered the question involved in this petition. Hence, in view of the said judgment, this petition is also required to be disposed of in the same line.

6. Hence, for the reasons recorded in the judgment and order dated 8.12.2004, it is directed that the claim of the petitioner for recruitment to the post of Vidya Sahayak in Sports Quota shall be considered in view of Government Resolutions dated 25-2-1980 and 1-8-1990, and after verification of the certificate produced at page 16. The Director of Primary Education can initiate appropriate inquiry to find out the genuineness of the certificate

produced by the petitioner and appropriate decision may be taken in this regard within a period of one month from today and ultimately, if the Director is of the opinion that the petitioner is required to be appointed on the post of Vidya Sahayak, appropriate order may be passed in this behalf latest by 30th July, 2005. It will be open for the Director of Primary Education to assign such inquiry to the concerned District Primary Education Officer, who is the appointing authority. If it is found that the certificate produced by the petitioner is genuine, the petitioner may be given relaxation as per Government Resolution dated 25-2-1980 and 1-8-1990. It is clarified that if the certificate is found to be genuine, the petitioner may be given all the benefits to which the petitioner is entitled, treating the claim of the petitioner as if it would have been considered at the relevant time.

The decision taken by the Director shall be forthwith communicated to the petitioner.

7. Accordingly, this petition is allowed to the aforesaid extent. Rule is made absolute accordingly with no order as to costs.

Direct service is permitted.

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[P. B. MAJMUDAR, J.]